

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72497 of 2018

Arising Out of PS. Case No.-178 Year-2018 Thana- KUMAR KHAND District- Madhepura

1. Md. Moharram
2. Md. Jahir @ Jahur
3. Md. Lalo @ Lolo All sons of Md. Tahir @ Tahir @ Tahir Miya Resident of Village-Jorabarganj,P.S. Kumarkhand,Distt.-Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

2 21-12-2018 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Kumarkhand P.S. Case No. 178 of 2018 dated 31.08.2018 instituted for the offences under Sections 147, 148, 149, 342, 323, 353, 332, 324, 325, 504 and 506 of the Indian Penal Code.

It has been alleged by the police officer that on the report lodged by one Arun Kumar Yadav, the police officer proceeded to take stock of the situation. The petitioners were arrested by the police but with the help of their associates, they could manage to extricate themselves and ran away from the clutches of the police.

Learned counsel appearing for the petitioners



has drawn the attention of this court to the fact that earlier also aforesaid Arun Kumar Yadav had filed a case against the petitioners vide Kumarkhand P.S. Case No. 177 of 2018 in which the petitioners are on bail.

It has been submitted by the learned counsel for the petitioners that the allegation, on face of it, appears to be false and having been brought into existence only at the instance of Arun Kumar Yadav. This fact becomes very evident from the reading of the FIR as in the present case also, it was only on the report of aforesaid Arun Kumar Yadav that the informant had visited the village of the petitioners where they were allegedly arrested but they could manage their escape. Apart from the case filed by aforesaid Arun Kumar Yadav referred to above, there is no other case against the petitioner.

Learned counsel for the petitioner has further submitted that it appears to be rather surprising that the petitioners would manage to escape from the custody of the police when the police party had visited the village only for the purposes of arresting them.

Considering the aforesaid facts, the petitioner are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four weeks from the date of receipt/production



of a copy of this order, on their furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Sub-Divisional Judicial Magistrate, Madhepura in connection with Kumarkhand P.S. Case No. 178 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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